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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,055	01/22/2002	Tetsuya Sugimoto	009683-393	1789

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EXAMINER	
SHENG, TOM V	

ART UNIT	PAPER NUMBER
2673	6

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/051,055	Applicant(s) SUGIMOTO, TETSUYA
	Examiner Tom V Sheng	Art Unit 2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-21 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evanitsky et al. (US 5045880) in view of MacDougall (US 5534917).

As to claim 1, Evanitsky teaches an input data processing device (*a copier/printer; figure 1*) comprising:

a display unit (*monitor 214; figure 6; column 8, lines 6-21*) displaying display image data (*on video display screen 220; e.g. figure 13; column 11, line 67 to column 12, line 7*) showing a plurality of input regions (*icons 406, 408, 410, and 412*) representing a range of acceptable inputs of designation (*paper trays #1, #2, #3, and "Auto Switch"*), said designation being made for controlling a predetermined apparatus (*the copier or specifically the controller 114 that controls the machine 5 for selecting paper tray; column 7, lines 3-15*);

a position detecting portion for detecting a position (*touch input system 226 formed by means of LEDs 278, 279 and PDs 280, 281; figure 8; column 9, lines 60-64*) designated on said display unit on which said display image data is displayed. It is through this position detection that an icon corresponding to a paper tray is selected.

Inherently, a value or some other indication is communicated to the controller 114 in order to facilitate the tray selection. Evanitsky's user interface 213, including the touch input system 226, reads on claimed output portion for outputting a value corresponding to the designated position detected by said position detecting portion.

Evanitsky also teaches a memory 115 that provides for control code and screen display information (*figure 4; column 7, lines 23-32*).

However, Evanitsky does not teach a memory unit storing bit map data corresponding to said display image data, said bit map data including data corresponding to respective positions of said plurality of input regions to which different values are assigned respectively; and outputting a value according to said bit map data.

MacDougall teaches associating a bitmap 302 (figure 11) with an area of interest 300 (figure 10). Each pixel in the bitmap 302 is assigned a value. Further, the assigned values are used to control the operation of a dependent control device (column 13, lines 3-34). One of ordinary skill in the art would realize that a bitmap could similarly be associated with Evanitsky's individual icon, and further by having a distinct value assigned to each paper tray icon's bitmap, selection of paper tray (for example) could be performed.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to incorporate bitmaps of different assigned values to Evanitsky's icons, thus effectively controlling a copier (such as paper tray selection).

Also, claim 8 is a method claim corresponding to device claim 1 and is rejected as analyzed. Claim 13 is a program claim corresponding to device claim 1 and method claim 8 and is rejected as analyzed. The program is stored in memory 115.

As for claims 2 and 9, modified Evanitsky teaches one icon with one bit map that corresponds to one piece of the predetermined apparatus (for example, paper tray). However, a different bit map could certainly be used when the icon could designate more than one function.

As for claims 3 and 10, modified Evanitsky teaches seemingly that the bitmap size corresponds to the icon size. This does not have to be the case, however, since very often an icon size is affected by the size of the allocated display area (work selection area 240) and the number of icons present. When an icon becomes small, the bitmap size/region could be made bigger than the icon to facilitate easier touch selection using the touch input system 226.

As for claims 4 and 11, modified Evanitsky teaches different bit map values assigned to respective paper tray icons.

As for claim 5, Evanitsky's touch input system 226 reads on claimed input unit for input of designation.

As for claim 6, Evanitsky's copier reads on claimed image forming apparatus.

As for claims 7, Evanitsky's paper tray icons read on claimed plurality of input regions representing a plurality of paper-supply trays.

Claim 12 is rejected per analyses of claims 6-8.

As for claim 14, Evanitsky's control code and screen display information read on claimed computer program.

As for claim 15, Evanitsky's memory 115 including a hard drive 115A and a floppy disk drive 115B reads on claimed computer-readable storage medium.

As for claims 16, 18 and 20, Evanitsky's machine 5 reads on claimed control portion.

As for claims 17, 19 and 21, Evanitsky's controller 114 and user interface 213 read on claimed controller to which the position detecting portion and the output portion are included. Moreover, Evanitsky's individual paper tray icon reads on claimed input region that corresponds to a different component of the predetermined apparatus.

Response to Arguments

3. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom V Sheng whose telephone number is (703) 305-6708. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (703) 305-4938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Sheng
March 31, 2004

Amare Mengistu
Primary Examiner